

March 23, 2004

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Development and Environmental Services File No. **V-2424**  
Proposed Ordinance No. **2004-0065**

**DEAN HAUGEN AND BONNIE MCCALLISTER**

Petition for Road Vacation

Location: Portion of 121<sup>st</sup> Avenue Southwest

Petitioner: **Dean Haugen and Bonnie McCallister**  
10836 Vashon Highway Southwest  
Vashon, WA 98070  
Telephone: (206) 340-0745

King County: Department of Transportation,  
Road Services Division, *represented by*  
**Tommy Burdette**  
201 S. Jackson Street  
Seattle, WA 98104-3856  
Telephone: (206) 296-3731  
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

|                           |                       |
|---------------------------|-----------------------|
| Department's Preliminary: | Approve road vacation |
| Department's Final:       | Approve road vacation |
| Examiner:                 | Approve road vacation |

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2424 was received by the Examiner on February 19, 2004.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2424 was opened by the Examiner at 1:30 p.m., on March 8, 2004, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104, and closed at 1:50 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information:  
Road name and location: Portion of 121<sup>st</sup> Avenue Southwest  
Right of way classification: "C"  
Area: 2,767 sq. ft.  
Compensation: \$2,365.79
2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the March 8, 2004, public hearing and the statement of facts contained in Proposed Ordinance No. 2004-0065. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

**CONCLUSIONS:**

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

**RECOMMENDATION:**

APPROVE proposed Ordinance No. 2004-0065 to vacate the subject road.

RECOMMENDED this 23rd day of March, 2004.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 23rd day of March, 2004, to the following parties and interested persons:

Steve Botts  
Puget Sound Energy  
P.O. Box 97034/MS - OBC 11N  
Bellevue WA 98009-9734

CenturyTel  
Attn: Doug Culbert  
8102 Skansie Ave.  
Gig Harbor WA 98335

Terry Davis  
Comcast, Inc.  
410 Valley Ave. NW  
Puyallup WA 98371

John E. Ernest  
4407 - 51st Ave. NE  
Seattle WA 98105

Haugen, Dean & McCallister, Bonnie  
10836 Vashon Hwy. SW  
Vashon WA 98070

Vashon Fire & Rescue  
Attn: Maridee BonaDea  
P.O. Box 1150  
Vashon WA 98070

Vashon-Maury Is. Comm. Council  
Kyle Cruver  
PO Box 281  
Vashon WA 98070

Tommy Burdette  
King County DOT  
Rd. Services Div.  
MS KSC-TR-0231

Neil DeGoojer  
DNRP/WLRD  
MS KSC-NR-0600

Sarah Gagnon  
DNRP - Wastewater Trtmt.  
MS KSC-NR-0503

Larry Gettle  
DNRP  
Storm Water Services  
MS KSC-NR-0600

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
CIP & Planning Sec.  
MS-KSC-TR-0317

Denise Hauck  
KC Dept. of Exec. Svcs.  
MS ADM-ES-0500

Rich Hudson  
DDES/LUSD  
Current Planning  
MS OAK-DE-0100

Fatin Kara  
KC DOT/Rd. Svcs. Div.  
MS KSC-TR-0222

Roderick E. Matsuno  
KC DOT  
Road Maint. Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS-KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC DOT  
Project Support Serv.  
MS KSC-TR-0231

Charlie Sundberg  
Office of Cultural Res.  
Landmarks & Heritage Prog.  
MS STR-CR-0200

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before April 6, 2004*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before April 13, 2004*.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH 8, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT  
AND ENVIRONMENTAL SERVICES FILE NO. V-2424

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Tommy Burdette representing the Department; and Dean Haugen, the Petitioner.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DOT Report to the Hearing Examiner dated February 18, 2004 with 16 Attachments
- Exhibit No. 2 Petition Transmittal letter dated January 18, 2001 to Transportation from the Clerk Of the Council
- Exhibit No. 3 Letter of Explanation and Petition for vacation of a county road including legal Descriptions of Petitioner's properties
- Exhibit No. 4 Copy of Filing Fee – Check #5117
- Exhibit No. 5 Copy of the Harbor Heights plat
- Exhibit No. 6 Vicinity map and map depicting vacation area
- Exhibit No. 7 Letter to Petitioner explaining process and identifying error in legal description dated February 8, 2001

- Exhibit No. 8 Attachment from Petitioner providing corrected legal and Petition for Vacation of a County Road
- Exhibit No. 9 Letter to Dean Haugen & Bonnie McCallister dated June 24, 2002 identifying amount Of compensation with attached Road Vacation Compensation Worksheet V-2424
- Exhibit No. 10 Transmittal Letter to Council providing recommendation of KCDOT and County Road Engineer
- Exhibit No. 11 Letter to Dean Haugen and Bonnie McCallister dated July 3, 2003 identifying Recalculated amount of compensation with attached Road Vacation Compensation Worksheet V-2424
- Exhibit No. 12 Copy of notification of correction to real property valuation letter dated July 14, 2003
- Exhibit No. 13 Copy of third compensation worksheet for V-2424
- Exhibit No. 14 Copy of check for compensation payment from Dean Haugen and Bonnie McCallister
- Exhibit No. 15 Ordinance transmittal letter dated January 26, 2004 from King County Executive To Councilmember Larry Phillips
- Exhibit No. 16 Proposed Ordinance
- Exhibit No. 17 Notice of hearing
- Exhibit No. 18 Affidavit of Posting for the Hearing
- Exhibit No. 16 Affidavit of Publication for the date of the hearing

SLS:gao  
V-2424 RPT  
Attachments